THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT APPEAL No. 2164 of 2005

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JUDGMENT: (per the Hon'ble Sri Justice L.Narasimha Reddy)

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The appellants were appointed as Assistants Grade-I in Food Corporation of India. The next higher posts are Joint Manager and Deputy Manager. The appointment to those posts is through direct recruitment up to the extent of 33%, and by promotion to the extent of 66%. The appellants are eligible to be considered under the promotion category.

The age limit for the candidates for the two posts referred to above either through direct recruitment or promotion was stipulated as 40 and 35 years respectively. According to the appellants, in the notification that was issued prior to 1998, conditions used to be incorporated providing for relaxation of age limit for in-service candidates. It is stated that through amendment caused with effect from 15.10.1998, the age limit was reduced to 35 and 30 years respectively without any provision for relaxation.

A notification was issued in the year 1998 for selection of candidates for appointment/promotion to the post of Joint Manager and Deputy Manager. Since the appellants crossed the age limits, they filed W.P.No.7834 of 1999 with a prayer to direct the respondents to consider their cases by treating them as otherwise eligible.

On the basis of an interim order passed in the writ petition, the appellants participated in the written test. While the first appellant did not qualify, the second appellant secured 151 marks, but was not selected on the ground that he did not fulfill the other parameters. The writ petition was dismissed by a learned Single Judge of this Court on 08.07.2005. Hence, this appeal.

Heard Sri Abhinand Kumar Shavili, learned counsel for the appellants and the learned counsel for the respondents.

The stipulation of age limit for appointment to a particular post is always in the discretion of the employer. Much would depend upon the nature of qualifications and the type of duties that are required to be performed. Though the age limit of 40 and 35 years respectively was stipulated; may be on the basis of the experience it has undergone, the respondent has reduced it to 35 and 30 years respectively. The appellants are not able to demonstrate as to how such a decision is incorrect. Their contention that the age limit for the said two posts, as it was in force when the appellants joined their service in the feeder category, must be continued; is difficult to be accepted. Though a right may have accrued to the appellants to be considered for higher posts in accordance with the Rules, they cannot insist that the age limit must remain constant, or any exception must be carved out for them, when the age limit is revised.

We agree with the finding of the learned Single Judge on this aspect. Even otherwise, the first appellant did not qualify in the written examination. Though the second appellant appeared in the written examination, he could not cross two hurdles, namely the seven years of experience in executive post and two years in the middle management category.

Viewed from any angle, we do not find any basis to interfere with the order passed by the learned Single Judge.

The writ petition is accordingly dismissed. There shall be no order as to costs.

The miscellaneous petitions filed in this writ appeal shall also stand disposed of.

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L.NARASIMHA REDDY,J

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CHALLA KODANDA RAM,J

Dt: 21.08.2014

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